

APPEAL NO. 020636  
FILED MAY 1, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 24, 2002. The hearing officer resolved the sole issue before him by determining that the respondent (claimant) is entitled to lifetime income benefits, for the loss of both hands at or above the wrist. The appellant (carrier) appealed and the claimant responded, urging affirmance, and arguing that the appeal was untimely.

DECISION

The hearing officer's decision and order have become final under Section 410.169 because the carrier's request for appeal was not timely filed with the Texas Workers' Compensation Commission (Commission).

Section 410.202(a) provides that "[t]o appeal the decision of a hearing officer, a party shall file a written request for appeal with the appeals panel not later than the 15th day after the date on which the decision of the hearing officer is received from the division and shall on the same date serve a copy of the request for appeal on the other party." Pursuant to Section 410.202(d), for appeals filed on or after June 17, 2001, Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code, are not included in the computation of the time in which a request for appeal under subsection (a) or a response under subsection (b) must be filed. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §143.3(c) (Rule 143.3(c)) provides that a request for appeal shall be presumed to be timely filed if it is (1) mailed on or before the 15th day after the date of receipt of the hearing officer's decision; and (2) received by the Commission not later than the 20th day after the date of receipt of the hearing officer's decision. Both portions of Rule 143.3(c) must be complied with in order for an appeal to be timely. Texas Workers' Compensation Commission Appeal No. 94065, decided March 1, 1994; Texas Workers' Compensation Commission Appeal No. 94111, decided March 10, 1994.

According to Commission records, the hearing officer's decision was received and signed for by the carrier on February 25, 2002, although the carrier states in its appeal that it received the decision on February 26, 2002. Based on the February 25, 2002, date of receipt, the 15-day deadline was March 18, 2002. The carrier's appeal was hand-delivered to, and date-stamped as having been received by, the Commission on March 19, 2002. The carrier has failed to satisfy the 15-day deadline. Therefore, the carrier's appeal is untimely.

The hearing officer's decision and order have become final under Section 410.169.

The true corporate name of the insurance carrier is **TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION for Reliance National Indemnity Company, an impaired carrier** and the name and address of the registered agent for service of process is

**MARVIN KELLY, EXECUTIVE DIRECTOR  
T.P.C.I.G.A.  
9120 BURNET ROAD  
AUSTIN, TEXAS 78758.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge